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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,480	09/08/2003	Robert A. Kovach	8190	9008

7590 01/04/2005

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EXAMINER

NGUYEN, SON T

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,480

Applicant(s)

KOVACH, ROBERT A.

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6,20-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meldrum (US 2913202) in view of Adams (US 5725193).

For claim 1, Meldrum teaches a tree grip 30 having a longitudinal axis and a transverse axis, comprising: a first surface (fig. 3, where ref. 30 is pointing at); a second surface (fig. 3, the back of ref. 30 where ref. 39 is pointing at) oriented and facing oppositely to that of said first surface; said first surface includes a plurality of serrations 35,36. In addition, Meldrum teaches screws 42 connected to the grip at a point that is offset from the center of the grip 30 (see fig. 3). However, Meldrum is silent about the connection being one which the second surface includes a bore therein.

Adams teaches a tree grip in figs. 6 & 7 wherein a back surface of the grip includes a bore therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a bore as taught by Adams in the second or back surface of the grip of Meldrum in order to assure a secure fit between the screw and the grip, thus, better conform to the trunk of a tree (col. 3, lines 45-55 of Adams). Note, since Meldrum already teaches offset connection point between the

screw and the grip, thus, having the bore of Adams therein will still produce offset from the center of the grip.

For claims 2-6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ various serration shapes and pattern for the grip of Meldrum as modified by Adams, depending on the user's preference to choose which pattern because serrations can be in various pattern depending on the user's choice for the intended function.

For claims 20 & 26, Meldrum teaches a plurality of tree grips 30 each having a longitudinal axis and a transverse axis in combination with a tree stand A,B, each of said tree grips comprising: a first surface (as explained in claim 1); a second surface (as explained in claim 1) oriented and facing oppositely to that of said first surface; said first surface includes a plurality of serrations/protrusions 35,36; and, said tree stand comprises: a circumferentially oriented support B and a plurality of threaded members 44,42 oriented radially inwardly with respect to said circumferentially oriented support; said circumferentially oriented support includes respective female threads (the holes where ref. 42 fits therein) for interengaging said plurality of threaded members preventing movement of said threaded members relative to said circumferentially oriented support. In addition, Meldrum teaches screws 42 connected to the grip at a point that is offset from the center of the grip 30 (see fig. 3) and the threaded members engage the grip at the engaging point thus restraining outward radial movement of said tree grips. However, Meldrum is silent about said second surface includes a bore

therein; each said threaded members engage said bore in each of said respective tree grips.

Adams teaches a tree grip in figs. 6 & 7 wherein a back surface of the grip includes a bore therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a bore as taught by Adams in the second or back surface of the grip of Meldrum in order to assure a secure fit between the screw and the grip, thus, better conform to the trunk of a tree (col. 3, lines 45-55 of Adams). Note, since Meldrum already teaches offset connection point between the screw and the grip, thus, having the bore of Adams therein will still produce offset from the center of the grip. In addition, the screw 42 of Meldrum would fit in the bore.

For claims 21-25, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ various serration shapes and pattern for the grip of Meldrum as modified by Adams, depending on the user's preference to choose which pattern because serrations can be in various pattern depending on the user's choice for the intended function.

For claim 27, Meldrum teaches a method for securing a tree in a stand having a circumferential support member, said circumferential support member includes interior threads therein for engaging a plurality of screws, comprising the steps of placing a tree in the stand; positioning at least two tree grips having offset bores therein into engagement with said screws residing in and through said circumferential support member; and rotating said screws compressing said grips into the tree. However, Meldrum is silent about the grips having bores to engage the screws.

Adams teaches a tree grip in figs. 6 & 7 wherein a back surface of the grip includes a bore therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a bore as taught by Adams in the second or back surface of the grip of the method of Meldrum in order to assure a secure fit between the screw and the grip, thus, better conform to the trunk of a tree (col. 3, lines 45-55 of Adams). Note, since Meldrum already teaches offset connection point between the screw and the grip, thus, having the bore of Adams therein will still produce offset from the center of the grip. In addition, the screw 42 of Meldrum would fit in the bore.

For claim 28, Meldrum as modified by Adams (emphasis on Meldrum) teaches wherein said tree grips include serrations 35,36 which engage the tree.

For claim 29, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ various serration shapes and pattern for the grip of Meldrum as modified by Adams, depending on the user's preference to choose which pattern because serrations can be in various pattern depending on the user's choice for the intended function.

3. **Claims 7-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meldrum as modified by Adams as applied to claim 1 above, and further in view of Whitaker (US 2689701).

For claim 7, Whitaker teaches a tree stand comprising both serrations 50 and protrusions 52. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ protrusions as taught by Whitaker in addition to

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the serrations of the grip of Meldrum as modified by Adams in order to further grip the tree trunk.

For claims 8-19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ various serration and protrusion shapes and pattern for the grip of Meldrum as modified by Adams and Whitaker, depending on the user's preference to choose which pattern because serrations can be in various pattern depending on the user's choice for the intended function.

Response to Arguments

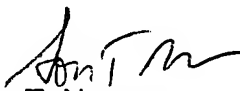
4. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 703-305-0765. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Son T. Nguyen
Primary Examiner
Art Unit 3643

stn